

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

**STATUS CONFERENCE**

In Re: Levaquin Products Liability	)	<b>COURT MINUTES</b>
Litigation,	)	BEFORE: John R. Tunheim
	)	U.S. District Judge
Plaintiff,	)	
	)	Case No: 08-1943 JRT
v.	)	Date: October 16, 2013
	)	Deputy: Heather Arent-Zachary
	)	Court Reporter: Debra Beauvais
	)	Time Commenced: 3:40 p.m.
Defendant.	)	Time Concluded: 4:05 p.m.
	)	Time in Court: 25 Minutes

Hearing on: Status Conference

**1. Federal and state cases in MDL and state court**

The exact number of cases pending in the MDL is difficult to ascertain as dismissals of cases are pending in front of the Court. Currently 1,114 cases have been resolved.

There was no report given at the status conference regarding the New Jersey litigation.

**1. Status of Cases Potentially Subject to Dismissal**

In approximately four cases, defense counsel has made numerous efforts to engage the plaintiff in settlement negotiations. Defense counsel has twice communicated an offer to these plaintiffs have heard nothing in response. Defense counsel plans to prepare an order to show cause as to why these cases should not be dismissed for failure to prosecute.

**2. Status of Cases for Remand**

Defense counsel identified 48 cases that currently should be the subject of an order to show cause why the cases should not be remanded to the districts in which the cases were originally filed before being transferred to the MDL. In these cases, defense counsel has made efforts to reach out to the plaintiffs. Plaintiffs in those cases have either rejected a settlement offer or are still making a decision about whether to accept or reject the offer. Because the number of cases in this category is still in flux due to the possibility of some cases being dismissed due to a settlement, defense counsel will wait to prepare an order to show cause until the body of cases subject to such an order has become more certain.

**3. Status of Cases for Transfer**

Defense counsel identified 7 cases that currently should be the subject of an order to show cause why the cases should not be transferred to other districts subject to a forum non conveniens analysis. These are cases in which plaintiffs have affirmatively rejected settlement offers. Because the number of cases in this category is still in flux due to the possibility that some of the cases from the category described below will also be subject to transfer, defense counsel will wait to prepare an order to show cause until the body of cases subject to such an order has become more certain.

**4. Status of Other Cases**

There are currently approximately 50 cases where it is unclear in exactly which category the case will fall. Defense counsel is continuing to reach out to plaintiffs in these cases, and needs some more time to wait for responses to settlement offers before reaching a determination as to whether the cases will be subject to dismissal, remand, or transfer.

**5. Status of Pro Se Cases**

Plaintiffs' liaison counsel has completed the mailings to pro se and potential pro se plaintiffs as directed by the Court's October 11, 2013 order to show cause.

**6. Carey Danis & Lowe Cases**

Prior to the status conference, defense counsel filed a motion to dismiss certain Carey Danis cases on the basis of insufficient plaintiff fact sheets. Defense counsel has now conferred with Corey Sullivan, and will withdraw the motion to dismiss, and instead submit a stipulation agreeing to the dismissal of all but three of those cases. There are currently 66 Carey Danis cases that are potentially subject to transfer, but the attorneys continue to work through the cases to ascertain whether they are meritorious or subject to resolution.

**Next Status Conference: Tuesday, November 19, 2013 at 4:00PM**

**APPEARANCES:**

Plaintiff: Ronald Goldser, Corey Sullivan

Defendant: Tracy Van Steenburgh, Cortney Sylvester

Phone: Kevin Fitzgerald, Lee Hollis, Adam Evans, Jody Rudman, Yvonne Flaherty

s/Heather Arent-Zachary  
Courtroom Deputy Clerk